

POTPOURRI
Department of Environmental Quality
Office of the Secretary
Legal Division

The Louisiana Pollutant Discharge Elimination System
Exclusions - Pesticide Application
(LAC 33:IX.Chapter 23)

Since January 26, 2007, a Louisiana Pollutant Discharge Elimination System (LPDES) permit has not been required for pesticide applications to or around water, provided that the application is consistent with relevant Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requirements. However, on January 9, 2009, a federal court ruled in *National Cotton Council of America v. EPA*, 553 F.3d 927 (6th Cir., 2009), that pesticide applications to or around water required a NPDES or delegated state water permit. Based upon an April 8, 2009 request from the U.S. Environmental Protection Agency (EPA), the court granted a two year stay of the mandate until April 9, 2011. In response to the court ruling, the LDEQ removed the permit exemption previously found in the regulations at LAC 33:IX.2315.A.8 and prepared a general permit for pesticide applications to become effective on April 9, 2011, in accordance with the federal court ruling.

On March 3, 2011, the EPA requested an extension from the court to allow more time for pesticide operators to obtain permits for pesticide discharges. EPA is requesting that the deadline be extended from April 9, 2011 to October 31, 2011. During the period while the court is considering the extension request, and if the extension is granted, until October 31, 2011, permits for pesticide applications will not be required in Louisiana.

Questions may be directed to Mr. Melvin C. Mitchell at (225) 219-3197 or Mr. Bruce Fielding at (225) 219-3231.

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